

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|------------------------------|---|--------------------------------|
| C&J ASSOCIATES PEST CONTROL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:06CV884-MEF |
| |) | WO |
| BOB RILEY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER ON MOTION

Plaintiff filed a motion requesting that the Court issue a default judgment against Defendants Bruce Alverson, Kathy Sawyer, Courtney Tarver, June Lynn, Judy Cobb, and Ray Bressler (Doc. #35). Plaintiff filed a “Motion for Correction to Add Troy King to the Motion for Default Judgment” (Doc. #37). Plaintiff’s motion requesting that the Court add Troy King to the Motion for Default is GRANTED.

Defendant Alverson is the only Defendant who has filed a response to Plaintiff’s motion (Doc. #39). That response indicates that because of a clerical error, Defendant Alverson did not receive notice of the Court’s Order (Doc. #28) granting his Motion for Extension of Time to File an Answer in this case nor was counsel entered on his behalf. Defendant Alverson’s delay does not appear to result from an intentional disregard for the Court’s Order (Doc. #28). Plaintiff’s Motion for Default Judgment is DENIED in part with respect to Defendant Alverson. It is further

ORDERED that on or before 2 February 2007, the remaining Defendants, Kathy

Sawyer, Courtney Tarver, June Lynn, Judy Cobb, and Ray Bressler, shall show cause why the Court should not grant Plaintiff's motion for default.

DONE this 26th day of January, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE